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heating the skin and underlying loculation of fat [without substantially modifying melanocytes in the skin] sufficiently to contract

[contracting] the collagen tissue of the fibrous septae by partially denaturing the collagen tissue [with diminished destruction of cells.] while minimizing cellular destruction; and  
tightening the skin.

### **REMARKS**

The Examiner has rejected Claim 23-35 under 35 U.S.C. §103 as obvious over Fellner in view of Storm III (Storm). Specifically the Examiner stated specifically, "It would have been obvious to one having ordinary skill in the art to use the electrode means disclosed by Fellner to prevent destruction of the superficial layers of skin (i.e. melanocytes)."

These grounds of rejection are respectfully traversed.

The present invention is a method of liposculpturing an area of the body and a tightening the skin. A thermal energy source is provided. A reverse thermal gradient is created that cools a top surface of the skin while heating underlying loculations of fat. The heat and underlying loculations of fat are heated sufficiently to contract the collagen tissue of the fibrous septae by partially denaturing the collagen tissue while minimizing cellular destruction. The skin is then tightened.

Fellner discloses a method for eliminating subcutaneous adipose tissue by apply a sufficient amount of thermal energy to cause localized cell death. See Spec. Col. 5, lines 41- 50. Fellner does not heat the skin and underlying loculation of fat sufficiently to contract the collagen tissue of the fibrous septae by partially denaturing the collagen tissue while minimizing cellular destruction. The method of Fellner specifically teaches that energy is directed to a selected site and cells are killed. When the subcutaneous adipose tissue is ablated the overlying skin is not tightened. Instead, the opposite occurs and the skin overlying an area of ablation will have a "dimpling effect". Although Fellner provides for the focusing of energy delivery to a particular site cellular death occurs and there is no tightening of tissue, nor is there a teaching of a sufficient tightening of collagen tissue in order to achieve a desired level of skin tightening.

Storm also does not heat the skin and underlying loculation of fat sufficiently to contract the collagen tissue of the fibrous septae by partially denaturing the collagen tissue while minimizing

cellular destruction. Instead, Storm directs energy through the skin to ablate tumors. By creating cell death in the tumor, there is a removal of tissue and not a tightening of collagen containing tissue. When the tumor is ablated the overlying skin is not tightened. Instead, there is some level of "dimpling" which is a contrary result of the present invention.

Fellner and Storm either singularly or collectively provide for skin tightening. Both teach cell death and an ablation of tissue. With cell death, tissue mass is removed and the overlying skin is not tightened.

### CONCLUSION

It is submitted that the present application is in form for allowance, and such action is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required by this paper to Deposit Account No. 23-2415 (Docket No. 15867-705 (KNOW 1001DIV 1)). A duplicate copy of this paper is enclosed.

Respectfully submitted,

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